

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 14, 2000
SAN FRANCISCO, CALIFORNIA**

S087352 People, Respondent

1st Dist. v.

A079118 Mark Frederick Brandt, Appellant

Div. 3 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *In re Jorge M.*, S074270 and *Kasler v. Lockyer*, S069522 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Appointment of counsel is deferred pending further order of the court.

George, C.J.

Baxter, J.

Werdegar, J.

Chin, J.

S087380 Raul Lopez et al., Appellants

2nd Dist. v.

B125934 Konstantino Vovos et al., Respondents

Div. 1 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Saelzler v. Advanced Group 400*, S085736 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S087381 People, Respondent

3rd Dist. v.

C030529 Aaron Earl Fullgham, Appellant

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Metters*, S069442 and *People v. Cleveland*, S078537 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S087446 People, Respondent

2nd Dist. v.

B109409 Randy Alan Valentine, Appellant

Div. 7 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Smith et al.*, S088387 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Appellant's motion to strike the reply brief is denied.

George, C.J.

Baxter, J.

Werdegar, J.

Chin, J.

S087894 FirstAmerica Automotive, Inc., Appellant

6th Dist. v.

H019813 Edwin S. Sweeney, Respondent

Arthur S. Lujan, etc., Respondent

Petition for review GRANTED.

Further action in this matter is deferred pending United States Supreme Court's decision in *Circuit City Stores, Inc. v. Adams* (9th Cir. 1999) 194 F.3d 1070 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S088387 People, Respondent

2nd Dist. v.

B129442 Donte Osbon Smith et al., Appellants

Div. 5 Appellants' petitions for review GRANTED.

The issues to be briefed and argued shall be limited to whether the People may seek correction of the error on appeal, without having raised the issue of the trial court, when the trial court has failed to impose a parole revocation restitution fine (Pen. Code, § 1202.45) in the proper amount although it did impose a restitution fine (Pen. Code, § 1202.4)

George, C.J.

Mosk, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S080060 In re James J. Sheridan
 on
 Habeas Corpus

The Director of Corrections is ordered to limit petitioner's restitution fine to \$100, or, in the alternative, to show cause before the Los Angeles County Superior Court, when the matter is ordered on calendar, why the restitution fine, to the extent it exceeds \$100, is lawful. (*People v. Walker* (1991) 54 Cal.3d 1013, 1027; *In re Candelario* (1970) 3 Cal.3d 702, 705.) The return shall be filed on or before July 14, 2000.

George, C.J.
Mosk, J.
Baxter, J.
Werdegarr, J.
Chin, J.
Brown, J.

2nd Dist. People, Respondent
B131626 v.
Div. 7 Carlos Callejas, Appellant
S087397 Petition for review GRANTED.

The cause is transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and to reconsider the cause in light of *Johnson v. United States* (May 15, 2000) 120 S.Ct. 1795 [2000 D.A.R. 5043]. (See also *People v. Frazier* (1999) 21 Cal.4th 737, 754, fn. 15, *cert. den.* (May 15, 2000) 120 S. Ct. 1960.)

Mosk, J., is of the opinion the cause should not be transferred to the Court of Appeal.

George, C.J.
Baxter, J.
Werdegarr, J.
Chin, J.

S068095 Allyn Beth Landau, Petitioner
1st Dist. v.
A075251 San Francisco County Superior Court, Respondent
A075493 Medical Board of California, Real Party in Interest
Div. 2 Appellant's "Notice of Motion and Motion to Issue Briefing and
to Add Issue on Review," filed May 17, 2000, is denied.
Pursuant to rule 29.4(c), California Rules of Court, the above-
entitled review is DISMISSED and cause is remanded to the Court
of Appeal, First Appellate District, Division Two.
The Reporter of Decisions is directed to partially publish the
opinion in the above-entitled case in accord with the Court of
Appeal's prior partial publication of the opinion at 60 Cal.App.4th
940.)

George, C.J.
Baxter, J.
Werdegar, J.
Chin, J.

S072172 Imad Mohammad Shahhal, Petitioner
4th Dist. v.
D031367 San Diego County Superior Court, Respondent
Div. 1 Medical Board of California, Real Party in Interest
Pursuant to rule 29.4(c), California Rules of Court, the above-
entitled review is DISMISSED and cause is remanded to the Court
of Appeal, Fourth Appellate District, Division One.

George, C.J.
Baxter, J.
Werdegar, J.
Chin, J.

S075141 Imad Mohammed Shahhal, Appellant

4th Dist. v.

D031407 Medical Board of California, Respondent

Div. 1 Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Fourth Appellate District, Division One.

George, C.J.

Baxter, J.

Werdegar, J.

Chin, J.

S075575 Leon Aaron Driss, Appellant

3rd Dist. v.

C029353 State Medical Board, Respondent

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Third Appellate District.

George, C.J.

Baxter, J.

Werdegar, J.

Chin, J.

S078077 Franklin Jerome Day, M.D., Petitioner

1st Dist. v.

A080131 San Francisco County Superior Court, Respondent

Div. 3 Division of Medical Quality of the Medical Board of California,
Real Party in Interest

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, First Appellate District, Division Three.

George, C.J.

Baxter, J.

Werdegar, J.

Chin, J.

S083149 William A. Lockyer, Appellant
1st Dist. v.
A087949 Medical Board of California, Respondent
A088042 Pursuant to rule 29.4(c), California Rules of Court, the above-
Div. 3 entitled review is DISMISSED and cause is remanded to the Court
of Appeal, First Appellate District, Division Three.

George, C.J.
Baxter, J.
Werdegar, J.
Chin, J.

S020161 People, Respondent
v.
Tauno Waidla, Appellant
Petition for rehearing DENIED.

S087056 John Scrofani, Petitioner
v.
Frederick L. Ohlrich, etc. et al., Respondents
People, Real Party in Interest
Petition for writ of mandate DENIED.

S087535 Jean-Pierre Swennen, Petitioner
v.
State Bar of California, Respondent
Petition for writ of review DENIED.

S087861 June McGee, Petitioner
v.
Review Department State Bar of California, Respondent
Petition for writ of review DENIED.

S087882 Louie Giannini, Petitioner
v.
Court of Appeal, Fourth Appellate District Div. Two, Respondent
People, Real Party in Interest
Petition for writ of mandate DENIED.

S083137 In re Greg Lanier
 on
 Habeas Corpus
 Petition for writ of habeas corpus DENIED.
 Mosk, J., is of the opinion an order to show cause should issue.

S085007 In re James Clenzo Burris
 on
 Habeas Corpus
 Petition for writ of habeas corpus DENIED.

S087171 In re Robert Harold Parker
 on
 Habeas Corpus
 Petition for writ of habeas corpus DENIED.

1st Dist. People, Respondent
A075253 v.
Div. 4 David Winston Gainey, Appellant
S064917 Respondent's petition for review DENIED.

1st Dist. People, Respondent
A082187 v.
Div. 4 James Clem, Appellant
S087079 Appellant's petition for review DENIED.

1st Dist. In re Sabrina P. et al., Persons
A083437 Coming Under the Juvenile Court Law
Div. 3 -----
S08020 San Francisco Department of Human Services, Respondent
 v.
 Judith P., Appellant
 Petition for review DENIED.

1st Dist. People, Respondent
A083711 v.
Div. 3 William B. Castillo, Appellant
S087195 Appellant's petition for review DENIED.

1st Dist. William Smith, Petitioner
A083825 v.
Div. 5 Workers' Compensation Appeals Board et al., Respondents
S088191 Respondent's petition for review DENIED.

1st Dist. Charlotte Pfeiffer, Appellant
A084127 v.
Div. 3 Harry Mittleman, Respondent
S088041 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A084747 v.
Div. 2 Larry Baker, Appellant
S088190 Appellant's petition for review DENIED.

1st Dist. Ronald L. King et al., Appellants
A084848 v.
Div. 2 Wilfred O'Neill, Respondent
S087602 Appellants' petition for review DENIED.

1st Dist. People, Respondent
A085314 v.
Div. 1 Antonio Santos Figueiredo, Appellant
S087128 Appellant's petition for review DENIED.

1st Dist. Robert B. DiMartino et al., Appellants
A085725 v.
Div. 2 City of Orinda, Respondent
S088004 Petition for review DENIED.

1st Dist. People, Respondent
A086041 v.
Div. 4 Gregory Michael Bussani, Appellant
S087915 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A086098 v.
Div. 4 Henry Perez Garcia, Appellant
S088129 Appellant's petition for review DENIED.

1st Dist. A086822 Div. 3 S087753	In re Jasmine D., a Person Coming Under the Juvenile Court Law ----- Alameda County Social Services Agency, Respondent v. Tammy D. et al., Appellants Petition for review DENIED.
1st Dist. A087079 Div. 4 S088192	People, Respondent v. Milton Leonard Rayo, Appellant Appellant's petition for review DENIED.
1st Dist. A087282 Div. 1 S087429	People, Respondent v. Gerry Macariola, Appellant Appellant's petition for review DENIED.
1st Dist. A087362 Div. 1 S088082	People, Respondent v. Ladell Dickerson, Appellant Appellant's petition for review DENIED.
1st Dist. A088017 Div. 4 S088273	Elias Loza, Appellant v. Sterigenics International, Respondent Appellant's petition for review DENIED.
1st Dist. A088998 Div. 4 S087540	People, Respondent v. Vinh Xuan Nguyen, Appellant Appellant's petition for review DENIED.
1st Dist. A090486 Div. 3 S087777	Ford Motor Credit Company, Petitioner v. San Francisco County Superior Court, Respondent Connie Stickles et al., Real Parties in Interest Petition for review DENIED.

1st Dist. Iman Kennedy et al., Petitioners
A090725 v.
Div. 1 Marin County Superior Court, Respondent
S088318 People, Real Party in Interest
Application for stay and petition for review DENIED.

1st Dist. Ruchell Magee, Petitioner
A090738 v.
Div. 1 Del Norte County Superior Court, Respondent
S087910 People, Real Party in Interest
Petition for review DENIED.

1st Dist. Cynthia Oliver et al., Petitioners
A090749 v.
Div. 1 Alameda County Superior Court, Respondent
S088050 Estate of Mattie Aikens et al., Real Parties in Interest
Petition for review DENIED.

1st Dist. Andrew Prohaszka, Petitioner
A091023 v.
Div. 4 San Mateo County Superior Court et al., Respondents
S088470 People, Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. Stern Metals Inc., Respondent
B110177 v.
B128429 Joseph Ash, Appellant
Div. 5 Petition for review DENIED.
S088026 George, C.J., did not participate.

2nd Dist. Michelle Greenwald, Appellant
B119389 v.
Div. 7 Mattel, Inc., Respondent
S088169 Respondent's petition for review DENIED.

2nd Dist. Mark D. Saunders et al., Appellants
B122129 v.
Div. 7 Truck Insurance Exchange et al., Respondents
S087886 Appellants' petition for review DENIED.

2nd Dist. L'Anza Research International Inc., Respondent
B123335 v.
Div. 1 Quality King Inc., Appellant
S082935 The application to seal the petition for review and the record on
review, filed in this court on April 7, 2000, is granted.
Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B123788 v.
Div. 4 Edwardo Sennett, Appellant
S088081 Petitions for review DENIED.

2nd Dist. People, Respondent
B124423 v.
Div. 3 Jason Lee Nichols, Appellant
S088023 Appellant's petition for review DENIED.

2nd Dist. Aiko Ogata et al., Appellants
B125245 v.
Div. 7 J. G. Construction Company Incorporated et al., Respondents
S087961 Appellants' petition for review DENIED.

2nd Dist. People, Respondent
B125660 v.
Div. 3 Hector Avila, Appellant
S087036 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B125674 v.
Div. 4 Roosevelt Holden, Appellant
S088158 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B125939 v.
Div. 3 Steven Ray Parker, Appellant
S087921 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B126298 v.
Div. 5 Dwayne Brown, Appellant
S087234 Respondent's petition for review DENIED.

2nd Dist. Gilbert N. Michael, Appellant
B126656 v.
Div. 1 Wildenstein & Co. Inc., Respondent
S087611 Respondent's petition for review DENIED.
 The request for an order directing publication of the opinion is
 DENIED.

2nd Dist. People, Respondent
B127898 v.
Div. 3 Gamaliel Paz Najera, Appellant
S087839 Respondent's petition for review DENIED.

2nd Dist. KNB Enterprises, Appellant
B127931 v.
Div. 1 Greg W. Matthews, Respondent
S086952 Respondent's petition for review DENIED.

2nd Dist. Richard Garcia, Appellant
B128083 v.
Div. 3 County of Los Angeles Sheriffs' Department et al., Respondents
S087939 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B128196 v.
Div. 3 Felix Michael Gonzalez, Appellant
S087950 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B129370 v.
Div. 4 Robert Creswell, Appellant
S088209 Appellant's petition for review DENIED.

2nd Dist. In re Chetu Jabari D., a Person Coming
B129889 Under the Juvenile Court Law
Div. 3 -----
S088148 People, Respondent
 v.
 Chetu Jabari D., Appellant
 Petition for review DENIED.

2nd Dist. People, Respondent
B129929 v.
Div. 4 Kevin Marlo Wilson, Appellant
S088126 Petitions for review DENIED.

2nd Dist. Alan Zanger, Appellant
B130056 v.
Div. 2 Alec Baldwin, Respondent
S086796 Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

2nd Dist. People, Respondent
B130107 v.
Div. 6 Lucian Florence Bailey, Appellant
S087923 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B130141 v.
Div. 5 Jamaal Jones, Appellant
S088121 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B130338 v.
Div. 6 Malcolm D. Hanson et al., Appellants
S088055 Appellants' petition for review DENIED.

2nd Dist. People, Respondent
B130417 v.
Div. 4 Byron Keith Williams, Appellant
S087330 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B130547 v.
Div. 1 Nehemiah Clarke, Appellant
S088053 Respondent's petition for review DENIED.

2nd Dist. Phil Markowitz, Appellant
B130552 v.
Div. 4 Coast Federal Bank et al., Respondents
S088183 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B130681 v.
Div. 2 Ara Mouses Manougian, Appellant
S087645 Respondent's petition for review DENIED.

2nd Dist. People, Respondent
B130780 v.
Div. 1 August Rauheen Julian, Appellant
S088024 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B131019 v.
Div. 2 Austin Billy Willis Jr., Appellant
S087931 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B131212 v.
Div. 3 Michael David Taylor, Jr., Appellant
S087976 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B131611 v.
Div. 1 Devonne C. Odell, Appellant
S088221 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B131860 v.
Div. 4 Jose Orellano, Appellant
S087890 Respondent's petition for review DENIED.
The request for an order directing depublication of the opinion is DENIED.

2nd Dist. Cathy Scott Moulden, Respondent
B132615 v.
Div. 4 Aaron R. Moulden Jr., Appellant
S088223 Petition for review DENIED.

2nd Dist. People, Respondent
B132864 v.
Div. 6 Shaun Allen Landy, Appellant
S088181 Appellant's petition for review DENIED.

2nd Dist. In re Armando Albert D., a Person
B132947 Coming Under the Juvenile Court Law
Div. 2 -----
S088153 People, Respondent
v.
Armando Albert D., Appellant
Petition for review DENIED.

2nd Dist. People, Respondent
B133188 v.
Div. 4 Ricardo McDowell, Appellant
S088106 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B133211 v.
Div. 2 Gino Caldwell, Appellant
S087911 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B133679 v.
Div. 6 Dalton Gerome Turner, Appellant
S088172 Appellant's petition for review DENIED.

2nd Dist. In re David Brian Nelson
B134586 on
Div. 4 Habeas Corpus
S082106 Appellant's petition for review DENIED without prejudice to
filing a motion to correct the record in the trial court. (Pen. Code,
section 1237.1)

2nd Dist. People, Respondent
B135261 v.
Div. 5 Joseph Paul Hart, Appellant
S087952 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B135747 v.
Div. 4 Francisco Renaldo Montoya Jr., Appellant
S087868 Petitions for review DENIED.

2nd Dist. Marilyn Oiwoh, Petitioner
B139792 v.
Div. 7 Workers' Compensation Appeals Board et al., Respondents
S088164 Petition for review DENIED.

2nd Dist. State Farm Fire and Casualty Company, Petitioner
B140173 v.
Div. 2 Los Angeles County Superior Court, Respondent
S088027 Cameo Woods Condominium Homeowners Association Inc.,
Real Party in Interest
Petition for review DENIED.

2nd Dist. Judita T. Gomez, Petitioner
B140198 v.
Div. 3 Los Angeles County Superior Court, Respondent
S088167 Tom Cruise et al., Real Parties in Interest
Petition for review DENIED.

2nd Dist. Joven Mapa et al., Respondents
B140251 v.
Div. 4 Dunlop Tire Corporation et al., Respondents
S087601 El Monte Ford, Appellant
Petition for review DENIED.

2nd Dist. Ronald Phillips, Petitioner
B140279 v.
Div. 7 Los Angeles County Superior Court, Respondent
S088173 Aurora Phillips, Real Party in Interest
Petition for review DENIED.

2nd Dist. In re Jose Camilo Valencia
B140299 on
Div. 7 Habeas Corpus
S087848 Petition for review DENIED.

2nd Dist. Zerom Tesfayohanes, Petitioner
B140956 v.
Div. 4 Jay R. Stroh, etc. et al., Respondents
S088772 Application for stay and petition for review DENIED.

2nd Dist. Westlake Pointe Homeowners Association, Petitioner
B141212 v.
Div. 7 Los Angeles County Superior Court, Respondent
S088647 L.H.L. Plastering & Drywall, Inc., Real Party in Interest
Application for stay and petition for review DENIED.

3rd Dist. People, Respondent
C026832 v.
S087049 Richard Paul Pinola, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C027481 v.
S088069 Jerry Dean W., Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent
C027503 v.
S087983 Kevin Paul Cush, Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.
The request for an order directing publication of the opinion is
DENIED.

3rd Dist. People, Respondent
C028413 v.
S088134 David Ronald Pack, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C029450 v.
S088073 John Wesley Parratt, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C029841 v.
S087613 Patrick Raye Owens, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C029958 v.
S088139 James Charles Heckard, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C030089 v.
S088005 William Lee Deherrera, Jr., Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C030318 v.
S087934 Curtiss Eugene Jefferson, Appellant
Appellant's petition for review DENIED.

3rd Dist. Carol Ann Arney, Appellant
C030871 v.
C032491 Leland Raymond Moore, Respondent
S088018 Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C030973 .
S087365 Mariet Timothy Ford, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C031268 v.
S087984 Corey Lee Daniels, Appellant
Appellant's petition for review DENIED.

3rd Dist. Friends of the Trails et al., Appellants
C031330 v.
S087466 Jon E. Blasius et al., Appellants
Nevada Irrigation District, Respondent
Appellants' petition for review DENIED.

3rd Dist. People, Respondent
C031351 v.
S088140 Gilbert Jones, Jr., Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C031402 v.
S088034 Phillip Anthony Peterson, Appellant
Appellant's petition for review DENIED.

3rd Dist. Raymond T. Butler, Appellant
C031770 v.
S087202 Jack Samet et al., Respondents
Petition for review DENIED.

3rd Dist. People, Respondent
C031953 v.
S087497 Renee Harris, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C032151 v.
S088284 Albert Frank Montgomery, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C032405 v.
S087412 Andrew John Scott, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C032520 v.
S088097 Myron Shawn Hughes, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C032900 v.
S088095 Robert Lee Gallego, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C032983 v.
S087724 Lyle Brent Hodges, Appellant
Appellant's petition for review DENIED.

3rd Dist. Pacific Bell, Petitioner
C034624 v.
S087206 Workers' Compensation Appeals Board et al., Respondents
Petition for review DENIED.
Werdegar, J., did not participate.

3rd Dist. James A. Keil et al., Petitioners
C035183 v.
S087892 Sacramento County Superior Court, Respondent
TIG Insurance Company et al., Real Parties in Interest
Petition for review DENIED.

4th Dist. People, Respondent
D030812 v.
Div. 1 Ernest Luna, Appellant
S087435 Appellant's petition for review DENIED.

4th Dist. Pardee Construction Company, Appellant
D031395 v.
Div. 1 California Iron Works et al., Respondents
S088092 Petition for review DENIED.

4th Dist. Marta Concha et al., Appellants
D031457 v.
Div. 1 KIFM Broadcasting Limited Partnership et al., Respondents
S087885 Petition for review DENIED.

4th Dist. People, Respondent
D031635 v.
Div. 1 Ronnie Edward Person, Appellant
S088107 Appellant's petition for review DENIED.

4th Dist. Diane Reed, Appellant
D031937 v.
Div. 1 Goode & Peterson, Respondent
S087967 Appellant's petition for review DENIED.

4th Dist. D032020 Div. 1 S087251	People, Respondent v. Robert Ray Rivera, Appellant Appellant's petition for review DENIED.
4th Dist. D032381 Div. 1 S087903	Sharon Lear et al., Respondents v. Board of Retirement of the San Diego County et al., Appellants Respondents' petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
4th Dist. D032552 Div. 1 S088019	People, Respondent v. Pheneno Kenzell Ausler, Appellant Appellant's petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
4th Dist. D032625 Div. 1 S087652	Charles I. Feurzeig et al., Appellants v. Insurance Company of the West, Respondent Respondent's petition for review DENIED. The request for an order directing publication of the opinion is DENIED.
4th Dist. D032698 Div. 1 S087941	People, Respondent v. Leon Parker, Appellant Appellant's petition for review DENIED.
4th Dist. D033027 Div. 1 S087918	In re Candace M., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Candace M., Appellant Petition for review DENIED.
4th Dist. D033120 Div. 1 S088052	In re Adrian D., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Adrian D., Appellant Petition for review DENIED.

4th Dist. People, Respondent
D033138 v.
Div. 1 James William Turner, Appellant
S087386 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D033686 v.
Div. 1 Gilbert Benny Tapia, Appellant
S088014 Appellant's petition for review DENIED.

4th Dist. In re Breanna C., a Person Coming Under the Juvenile Court Law
D033891 -----
Div. 1 San Diego County Health and Human Services Agency, Respondent
S087930 v.
Cynthia C., Appellant
Petition for review DENIED.

4th Dist. Edward Gonzales et al., Petitioners
D035005 v.
Div. 1 San Diego County Superior Court, Respondent
S087374 People, Real Party in Interest
Petition for review DENIED.

4th Dist. David J. Genzler, Petitioner
D035567 v.
Div. 1 San Diego County Superior Court, Respondent
S088418 People, Real Party in Interest
Application for stay and petition for review DENIED.

4th Dist. Donal Galleano, Appellant
E020956 v.
Div. 2 Zurich Insurance Company, Appellant
S087566 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022591 v.
Div. 2 John R. Bellette, Appellant
S087458 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022767 v.
Div. 2 Fernando Castillo Chang, Appellant
S087928 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022835 v.
Div. 2 Arthur Daniel Gee, Appellant
S087248 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. Randi Stern, Appellant
E023174 v.
Div. 2 Robert A. Armada, Respondent
S088159 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E023281 v.
Div. 2 John Lopez, Appellant
S087358 Petition for review DENIED.

4th Dist. People, Respondent
E023374 v.
Div. 2 Sira Jaroenchit, Appellant
S088117 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E023744 v.
Div. 2 Randolph Rankins, Appellant
S088113 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E023969 v.
Div. 2 Dennis Mitchell Davis, Appellant
S087489 Appellant's petition for review DENIED.

4th Dist. Clifford Mortensen et al., Appellants
E024127 v.
Div. 2 Desert Fairway Homeowners Association et al., Respondents
S087971 Appellants' petition for review DENIED.

4th Dist. E024473 Div. 2 S088152	People, Respondent v. George Alvin Kuhl, Appellant Appellant's petition for review DENIED.
4th Dist. E024855 Div. 2 S088008	People, Respondent v. William Randolph Hill, Appellant Appellant's petition for review DENIED.
4th Dist. E024933 Div. 2 S087229	People, Respondent v. Gregory Michael Richey, Appellant Appellant's petition for review DENIED.
4th Dist. E025276 Div. 2 S087426	People, Respondent v. Ricky Mendoza, Appellant Appellant's petition for review DENIED.
4th Dist. E025462 Div. 2 S088010	Service Employees International Union, Petitioner v. San Bernardino County Superior Court, Respondent And Companion Case Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
4th Dist. E026840 Div. 2 S088038	Ahmad Mounir Itani, Petitioner v. Riverside County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
4th Dist. E027072 Div. 2 S088061	Stanley Elton Fulcher, Petitioner v. Riverside County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.

4th Dist. Bank of America National Trusts and Savings Assoc., Appellant
E022786 v.
Div. 2 Giant Inland Empire R.V. Center, Incorporated, Appellant
S087657 County of San Bernardino, Respondent
Appellant's petitions for review DENIED.
Baxter, J., and Chin, J., did not participate.

4th Dist. People, Respondent
E022945 v.
E022947 Victor Manuel Parra, Sr., Appellant
Div. 2 And Companion Case
S087321 Appellants' petitions for review DENIED.

4th Dist. Government Employees Insurance Company et al., Petitioners
E025557 v.
Div. 2 San Bernardino County Superior Court, Respondent
S087834 Jameszetta R. Sims, Real Party in Interest
Real Party in Interest's petition for review DENIED.
Werdegarr, J., is of the opinion the petition should be granted.

4th Dist. Levi Boicourt, Appellant
G021061 v.
Div. 3 Amex Assurance Company, Respondent
S087680 Respondent's petition for review DENIED.
The request for an order directing depublication of the opinion is
DENIED.

4th Dist. People, Respondent
G023029 v.
Div. 3 Richard Chavarria, Appellant
S087032 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G023130 v.
Div. 3 Raymond Anthony Frost, Appellant
S087114 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G023343 v.
Div. 3 Manuel Lara, Appellant
S087073 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G023433 v.
Div. 3 Jeen Young Han et al., Appellants
S087362 Appellants' petition for review DENIED.

4th Dist. People, Respondent
G024567 v.
Div. 3 Jeffery Scott Berghaus, Appellant
S088057 Appellant's petition for review DENIED.

4th Dist. In re Gustavo Adolfo Alviz
G027176 on
Div. 3 Habeas Corpus
S088212 Petition for review DENIED.

5th Dist. People, Respondent
F029001 v.
S087539 Edwin Vincent Munis, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F029086 v.
S087486 Jennie Dean, Appellant
Appellant's petition for review DENIED.

5th Dist. Ruth Gale, Appellant
F029227 v.
S088047 Unihealth Corporation et al., Respondents
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F029439 v.
S087107 Theodore Curtis Rowe, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F029456 v.
S088077 Jose Israel Gutierrez, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F029478 v.
S087325 Karen Martin, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030624 v.
S088217 Jason Carl Samuel, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030825 v.
F034162 Robert Ray Fritscher, Appellant
S088146 -----
In re Robert Ray Fritscher on Habeas Corpus
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F031537 v.
S088186 Bobby Lee Scroggins, Appellant
Appellant's petition for review DENIED.

5th Dist. The Lamont Storm Water District of Kern County, Appellant
F031580 v.
S087604 Stephen P. Pavich et al., Respondents
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F031815 v.
S087414 Sydney Johnson, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F031843 v.
F034705 Robert Harold Parker, Appellant
S087169 -----
In re Robert Harold Parker on Habeas Corpus
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F031961 v.
S088176 David Allan Cooper, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F032385 v.
S087739 Scott Ray Emerson, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F032444 v.
S087197 James Edward Lollis, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F032693 v.
S088143 Jonathan Trujillo, Appellant
Appellant's petition for review DENIED.

5th Dist. Tue Xiong, Petitioner
F035483 v.
S088044 Fresno County Superior Court, Respondent
People, Real Party in Interest
Petition for review DENIED.

6th Dist. People, Respondent
H016573 v.
S087394 Anthony Tanori, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H018031 v.
S087184 Stanford Clevont Cleveland, Appellant
Appellant's petition for review DENIED.

6th Dist. In re Anthony Dean Scott on Habeas Corpus
H018244 -----
H020644 People, Respondent
S087029 v.
Anthony Dean Scott, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H018771 v.
S088032 Lisa Michelle Davis, Appellant
Appellant's petition for review DENIED.

6th Dist. Patricia Harris et al., Appellants
H019087 v.
S087832 Pinkerton's Incorporated, Respondent
Respondent's petition for review DENIED.

6th Dist. People, Respondent
H019487 v.
S088031 Alfred Reyna, Appellant
Appellant's petition for review DENIED.

6th Dist. In re Mariah M., a Person Coming Under the Juvenile Court Law
H019497 -----
S088178 Santa Clara Dept. of Family and Children's Services, Respondent
v.
Leigh G., Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H019718 v.
S088144 Alex Gonzalez, Appellant
Appellant's petition for review DENIED.

6th Dist. In re Donald Bone
H021234 on
S087510 Habeas Corpus
Petition for review DENIED on the merits.

S087273 People, Respondent
v.
Ernest Dolivar Duncan, Appellant
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

S088083 People, Respondent
 v.
 James David Jacobs, Appellant
 The request for an order directing publication of the opinion in
 the above entitled cause is DENIED.

1st Dist. Shade Foods Incorporated, Appellant
A080316 v.
Div. 1 Innovative Products Sales & Marketing Incorporated, Appellant
S087986 The request for an order directing depublication of the opinion in
 the above entitled cause is DENIED.

2nd Dist. Mary Ann Rockwell, Appellant
B123105 v.
Div. 2 Henry Lubow, Respondent
S086521 The request for an order directing publication of the opinion in
 the above entitled cause is DENIED.

2nd Dist. Long Beach Housing Development Company, Respondent
B125002 v.
Div. 4 County of Los Angeles et al., Appellants
S087322 The request for an order directing publication of the opinion in
 the above entitled cause is DENIED.

2nd Dist. M. Rebecca Franz, Appellant
B125302 v.
Div. 3 Kathleen Egan et al., Respondents
S087902 The request for an order directing publication of the opinion in
 the above entitled cause is DENIED.

2nd Dist. Kyleigh Sebenius, a Minor, etc., Appellant
B130061 v.
Div. 2 Kathleen Grega, Respondent
S087093 The request for an order directing publication of the opinion in
 the above entitled cause is DENIED.

3rd Dist. People, Respondent
C031169 v.
S087139 Melvin Richard Pena, Appellant
 The request for an order directing publication of the opinion in
 the above entitled cause is DENIED.

3rd Dist. People, Respondent
C031398 v.
S086971 Barry Stephen MacDonald, Appellant
The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. Centex Golden Construction Company, Respondent
D030452 v.
Div. 1 Dale Title Company, Appellant
S087996 The request for an order directing depublication of the opinion in the above entitled cause is DENIED.

4th Dist. Brenda M. Ivey, Appellant
D031568 v.
Div. 1 California Casualty Insurance Company, Respondent
S086848 The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. Paul Rossi et al., Appellants
D031800 v.
Div. 1 Joseph Boylan et al., Respondents
S086675 The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. City of National City et al., Appellants
D032097 v.
Div. 1 State of California State Water Resources Control, Respondent
S087527 And Companion Case
The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. Rita Gentry, Appellant
E025058 v.
Div. 2 City of Murrieta et al., Respondents
S086845 Rafco Company, Real Party in Interest
The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. In re the Marriage of Doris and Blane Bardsley

G019964 -----

Div. 3 Doris M. Bardsley, Appellant

S087913

v.

Blane H. Bardsley, Respondent

The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. Fidelity National Title Insurance Company et al., Petitioners

G025532

v.

Div. 3 Orange County Superior Court, Respondent

S086399 First Newport Capital LLC et al., Real Parties in Interest

The request for an order directing publication of the opinion in the above entitled cause is DENIED.

5th Dist. People, Respondent

F032424

v.

S087356 Jose Luis Montalvo Alvarez, Appellant

The request for an order directing publication of the opinion in the above entitled cause is DENIED.

5th Dist. In re Luisa Z., a Person Coming Under the Juvenile Court Law

F033011 -----

S087982 People, Respondent

v.

Luisa Z., Appellant

The request for an order directing depublication of the opinion in the above entitled cause is DENIED.

6th Dist. People, Petitioner

H019369

v.

H019706 Santa Clara County Superior Court, Respondent

H019849 Hikmat Mustafa Mouchaourab, Real Party in Interest

H020073 The request for an order directing depublication of the opinion in
H020156 the above-entitled appeal is DENIED.
S087628

4th Dist. Bank of America National Trusts & Savings Association, Appellant
E022786 v.
Div. 2 Giant Inland Empire R.V. Center, Appellant
S087657 County of San Bernardino, Real Party in Interest

The time for granting or denying review in the above cause is hereby extended to and including July 19, 2000, or the date upon which review is either granted or denied.

S069522 Peter Alan Kasler et al., Appellants
v.

Bill Lockyer, etc. et al., Respondents

Appellants' request for judicial notice, submitted to this court on May 19, 2000, is granted.

Appellants' motion, filed June 7, 2000, to stay issuance of decision is denied.

S087239 In re **David Lynn** on Discipline

It is ordered that **David Lynn, State Bar No. 73718**, be suspended from the practice of law for 60 days, that execution of suspension be stayed, and that he be placed on probation for 18 months subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed March 3, 2000. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable equal payments prior to February 1 of calendar years 2001, 2002 and 2003.

S087240 In re **Gregory Steven Emery** on Discipline

It is ordered that **Gregory Steven Emery, State Bar No. 91861**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 45 days. Respondent is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed February 25, 2000. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within

one year after the effective date of this order unless he has done so in connection with this matter prior to the effective date of this order and provides satisfactory proof thereof to the State Bar Probation Unit. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

S087242 In re **Gerald Fink** on Discipline

It is ordered that **Gerald Fink, State Bar No. 34969**, be suspended from the practice of law for two years and until he makes restitution to Cigna Insurance Company (or the Client Security Fund, if appropriate) in the amount of \$2,812.64, plus 10% interest per annum from February 28, 1992, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel; and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including one year actual suspension and until he makes the restitution described above, and provides proof thereof to the Probation Unit. If he is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. **Gerald Fink** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 8, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date this order.* Costs are awarded to the State Bar and one-quarter of said costs shall be added to and become part of the membership fees for the years 2001, 2002, 2003, and 2004. (Bus. & Prof. Code section 6086.10.)

*See Business & Professions Code, § 6126, subdivision (c).

S087317 In re **Raymond Roy Lee** on Discipline

It is ordered that **Raymond Roy Lee, State Bar No. 149316**, be suspended from the practice of law for 30 days, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 3, 2000, as modified by its order filed March 7, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

S088580 In re **Roland Ramez Salameh** on Reinstatement

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **Roland Ramez Salameh** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

S088841 In the Matter of the Resignation of **Katherine A. Miller Zessin**
A Member of the State Bar of California

The voluntary resignation of **Katherine A. Miller Zessin, membership number 122549**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against her should she hereafter seek reinstatement. It is ordered that she comply with rule 955, California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S088842 In the Matter of the Resignation of **Elveta Louise Francis**
A Member of the State Bar of California

The voluntary resignation of **Elveta Louise Francis, State Bar No. 93320**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against her should she hereafter seek reinstatement. It is ordered that she comply with rule 955, California

Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S088843 In the Matter of the Resignation of **Jeffrey Michael Brown**
A Member of the State Bar of California

The voluntary resignation of **Jeffrey Michael Brown, State Bar No. 137983**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S088875 In the Matter of the Resignation of **Berman Swartz**
A Member of the State Bar of California

The voluntary resignation of **Berman Swartz, membership number 17038**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

